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Attorneys for Third Party Scantibodies Laboratory Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ABBOTT LABORATORIES,

Plaintiff,

v.

SCANTIBODIES LABORATORY, INC.,

Defendant.

Case No. 08-CV-1525 H (BLM)

The Hon. Barbara L. Major

**THIRD PARTY SCANTIBODIES
LABORATORY, INC.'S NOTICE OF
AND MOTION TO FILE DECLARATION
OF STEPHEN B. SHEAR UNDER SEAL
IN SUPPORT OF ITS OPPOSITION TO
MOTION TO COMPEL**

Date: September 17, 2008

Time: 3:00 p.m.

Third Party Scantibodies Laboratory Inc. ("SLI") hereby moves for an order pursuant to L.R. 79.2(c) allowing it to file under seal the Declaration of Stephen B. Shear with exhibits, which is being filed concurrently. The information contained in the declaration and the attached exhibits are known to Plaintiff due to its litigation with Church & Dwight Co., Inc. However, the same information and exhibits are not available to the parties' competitors or the public at large. Therefore, in order to preserve the confidentiality of the information and exhibits, SLI respectfully requests that the Declaration of Stephen B. Shear with exhibits be filed under seal.

Attorneys for Plaintiff will be provided copies of this motion so they may object and, if so, serve the basis for their objection or Plaintiff consents to the sealing and has been given notice of this motion.

CONCLUSION

Based on the foregoing, SLI respectfully requests that the Court issue an Order allowing the Declaration of Stephen B. Shear with exhibits to be filed under seal.

DATED: September 8, 2008 LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: /s/ Edward Patrick Swan, Jr.
Edward Patrick Swan, Jr.
Attorneys for Third Party Scantibodies Laboratory, Inc.

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CERTIFICATE OF SERVICE

Abbott Laboratories v. Scantibodies Laboratory, Inc.
U.S. District Court, Southern District of California
Case No. 08-CV-1525 H (BLM)

I, declare as follows:

I am an attorney with the law firm of Luce, Forward, Hamilton & Scripps LLP, whose address is 600 West Broadway, Suite 2600, San Diego, California 92101-3372. I am over the age of eighteen years, and am not a party to this action.

On September 8, 2008, I served the following:

THIRD PARTY SCANTIBODIES LABORATORY, INC.'S OPPOSITION TO MOTION TO COMPEL

DECLARATION OF EDWARD PATRICK SWAN, JR. IN SUPPORT OF THIRD PARTY SCANTIBODIES LABORATORY, INC.'S OPPOSITION TO MOTION TO COMPEL

DECLARATION OF JERRY SUN IN SUPPORT OF THIRD PARTY SCANTIBODIES LABORATORY, INC.'S OPPOSITION TO MOTION TO COMPEL

THIRD PARTY SCANTIBODIES LABORATORY, INC.'S NOTICE OF AND MOTION TO FILE DECLARATION OF STEPHEN B. SHEAR UNDER SEAL IN SUPPORT OF ITS OPPOSITION TO MOTION TO COMPEL

on the interested parties in this action by:

XX **ELECTRONIC SERVICE:** I hereby certify that I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Stephen R Smerek
ssmerek@winston.com

DECLARATION OF STEPHEN B. SHEAR [TO BE FILED UNDER SEAL]**

** **OVERNIGHT MAIL:** I sent a copy via overnight mail.

** **EMAIL:** I sent a copy via email transmission to the email addresses. I am readily familiar with this office's practice for transmissions by email. Transmissions are sent as soon as possible and are repeated, if necessary, until they are reported as complete and without error. In sending the foregoing documents by email, I followed this office's ordinary business practices. The sending email address is dcharles@luce.com.

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

George C Lombardi
Winston & Strawn LLP
35 West Wacker Drive
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Raymond C. Perkins
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Kevin E. Warner
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35 West Wacker Drive
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I declare that I am employed in the office at whose direction the service was made.

Executed at San Diego, California on September 8, 2008.

/s/ Edward Patrick Swan, Jr.